

REMARKS

Claims 1-8 have been examined, and have been rejected under 35 U.S.C. § 103(a).

I. Preliminary Matters

During the May 18, 2004 Examiner Interview, the Examiner's Supervisor suggested minor amendments to claim 1 for clarification. Accordingly, Applicant has amended claim 1. Such amendments are not made in view of the prior art. Further, since the amendments were suggested merely for clarification, the Examiner and the Examiner's Supervisor indicated that if a new ground of rejection is issued, the Office Action will be on a non-final basis, irrespective of the amendments.

Since claim 5 contains features that are analogous to the features recited in claim 1, Applicant has amended claim 5 in an analogous manner.

I. Rejections under 35 U.S.C. § 103(a) in view of U.S. Patent No. 5,659,350 to Hendricks et al. ("Hendricks") and U.S. Patent No. 6,160,545 to Eyer et al. ("Eyer")

Claims 1-8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of Eyer.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites a management number that is uniquely allocated to each analog program and is commonly used in all areas for each respective analog program.

The Examiner acknowledges that Hendricks fails to disclose the claimed management number, but contends that Eyer does. In particular, the Examiner maintains that the “PID” of Eyer discloses the claimed management number (col. 9, lines 31-35). However, as set forth by the undersigned during the May 18, 2004 Examiner Interview, the Eyer reference discloses that the PID is a physical location relating to the received data stream (col. 9, lines 33-34). Applicant submits that a physical location relating to a received data stream fails to teach or suggest a number that is uniquely allocated to an analog program, as recited in claim 1.

As further demonstration of the above, the undersigned directed the Examiner and the Supervisor’s attention to column 10 of Eyer. In column 10, Eyer discloses that all IPG data can be in one PID, or that all regional IPG data can be provided within one PID (col. 10, lines 43-45 and 52-54). As set forth in the Abstract, the IPG data is interactive program guide data that provides scheduling information for global and local programming services. Since all the IPG data for global and local programming services, which would include multiple programs, can be provided in one or a single PID, the PID cannot therefore represent a single management number allocated to an analog program. Rather, based on the definition of PID provided in the reference, it appears that Eyer teaches that all of the IPG data can relate to a single physical location in a received data stream.

As noted on the Examiner Interview Summary, the Examiner and his Supervisor indicated that the PID used in Eyer does not appear to teach the claimed management number.

Based on the foregoing, Applicant submits that claim 1 is patentable over the Hendricks and Eyer references, and respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claims 2-4 and 6-8

Since claims 2-4 and 6-8 are dependent, either directly or indirectly, upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claim 5

Since claim 5 contains features that are analogous to the features recited in claim 1, Applicant submits that claim 5 is patentable for at least analogous reasons as set forth above.

II. Newly Added Claim

Applicant has added claim 9 to provide more varied protection for the present invention. Applicant submits that claim 9 is patentable over the cited references for at least analogous reasons as claim 1.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 09/546,187

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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